

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
ATLANTA

MATTHEW COLE LINDEN,

Plaintiff,

v.

KEITH RODBELL,

Defendant.

CIVIL ACTION NO.

1:05-CV-1759-JEC

JAN 23 2006

LUTHER D. THOMAS, Clerk
By *[Signature]*

ORDER

The above entitled action is presently before the Court on defendant's Motion to Dismiss [5]. The Court notes that on October 5, 2005, plaintiffs' filed a Motion for Extension of Time to respond to defendant's motion [8]. On November 3, 2005, the Court granted plaintiffs' motion for extension of time until October 24, 2005 [13]. As of this date, plaintiffs have still not filed a response to the defendant's motion to dismiss.

Nevertheless, on October 24, 2005, the plaintiffs filed their First Amended Complaint [10]. The Court assumes that the Amended Complaint addressed the defects identified by defendant Rodbell in his motion to dismiss. In any event, defendant has not moved to dismiss the Amended Complaint.

Accordingly, the Court **DENIES AS MOOT** defendant's Motion to Dismiss [5].

SO ORDERED, this 28 day of JANUARY, 2006.



JULIE E. CARNES
UNITED STATES DISTRICT JUDGE